

Alabama Board of Examiners of Nursing Home Administrators



Functional Analysis & Records Disposition Authority

**Revision
Presented to the
State Records Commission
April 26, 2001**

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Functional and Organizational Analysis of the Alabama Board of Examiners of Nursing Home Administrators

Sources of Information

- Representative of the Alabama Board of Examiners of Nursing Home Administrators
 - Katrina G. Magdon, Executive Secretary
- Code of Alabama 1975 § 34-20-1 through § 34-20-16
- Alabama Administrative Code Chapters 620-X-1 through 620-X-14
- Alabama Board of Examiners of Nursing Home Administrators Audit Report (1995 to 1997)
- Alabama Government Manual (1998)

Historical Context

The legislature created the board in 1969 (Acts 1969, No. 986). Before the creation of the board, no agency regulated the practice of nursing home administrators. The state legislature continued the board's existence following sunset reviews in 1985, 1989, 1993, and 1997.

Agency Organization

The board consists of seven members, each appointed by the governor from a separate congressional district. The governor appoints three members from a list of nominees submitted by the Alabama Nursing Home Association. Nominees must be licensed nursing home administrators. The governor appoints the fourth member from a list of three nominees, all of them must be licensed physicians, submitted by the Medical Association of Alabama. The governor selects the fifth member, a hospital administrator, from a list of three nominees submitted by the Alabama Hospital Association. The governor appoints the sixth member, who must be a registered nurse with at least five years' experience as a geriatric nurse, from a list of three nominees submitted by the Alabama State Nurses Association. The governor appoints a consumer as the seventh member. The consumer member, the member's spouse, and immediate family members are prohibited from being a licensee of the board or from employment in the nursing home profession. The consumer member can vote in all matters except licensure of applicants or discipline of licensees. All board members can serve up to two consecutive three-year terms.

The board holds four or more meetings a year. The board annually elects one of its members as chairman and one as vice-chairman. The chairman presides at meetings and appoints an executive secretary with the consent of members of the board. The executive secretary is responsible for the administration of the board. Currently, the board hires a part-time executive secretary who is an employee of the Alabama Nursing Home Association. The board's office is also leased from the association. An organizational chart is attached.

Agency Function and Subfunctions

The mandated function of the Alabama Board of Examiners of Nursing Home Administrators is to license and regulate persons charged with the general administration of nursing homes and to conduct investigations and hearings based on complaints against its licensees. The board is one of the agencies primarily involved in carrying out the Regulatory function of Alabama government.

In the performance of its mandated functions, the board may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** In accordance with the Code of Alabama 1975 § 34-20-5, the board has the authority to prescribe rules and regulations governing the qualifications of applicants for licenses as nursing home administrators. The board also develops appropriate procedures or techniques for the implementation of the rules and regulations. This subfunction encompasses activities pertaining to the establishment and promulgation of rules/regulations and procedures by the board for carrying out its duties and responsibilities.
- **Licensing.** The board admits to examination for licensure as a nursing home administrator any applicant who has submitted evidence that he/she is at least 19 years of age, a citizen of the United States, a high school graduate, and has completed the board-approved administrator-in-training program. In addition, the applicant must furnish the board with three letters from individuals to certify the candidate is of good moral character. The applicant must then take the written examination prepared by the National Association of Boards of Examiners of Long Term Care Administrators and must obtain a score of at least 75% on the exam in order to be licensed. The board requires all licensees to attend a minimum of 24 equivalent hours of continuing education courses each year prior to the renewal of their licenses. Not meeting the continuing education requirements or not renewing a license within 90 days of its due date will result in the expiration of the license. An expired license may not be reactivated. A person holding an expired license must reapply the license. A licensee who is not practicing as a nursing home administrator may place that license into an inactive status for five years upon written application to the board.

The board also issues licenses to those nursing home administrators licensed by other states. In addition to the national examination, all applicants who apply through reciprocity must also take a state written examination and obtain a score of at least 75% on the exam prior to licensure. Out-of-state applicants are not required to fulfill the 1,000-hour administrator-in-training program requirements.

- **Permitting.** In the event a nursing home administrator dies, unexpectedly resigns, becomes incapacitated, or has his/her license revoked, the board may issue, under the authority of the Code of Alabama 1975 § 34-20-2, an emergency permit for the person who will administer the nursing home until a licensed nursing home administrator is

employed. The emergency permit is issued for a period not to exceed 180 days and is not renewable.

- **Conducting Investigations and Hearings.** In accordance with the Code of Alabama 1975 § 34-20-5(4), the board is responsible for receiving, investigating, and taking appropriate actions with respect to any charge or complaint filed with the board. Alabama Administrative Code Chapter 620-X-8-.01 specifies that all complaints against licensees must be submitted in writing on forms provided by the board. The board investigates the case and determines disciplinary actions if needed. The board may reprimand, censure, or fine the licensee or suspend or revoke the license. Within thirty days after the board's decision, the licensee may request in writing a hearing. The board holds a hearing only when a quorum of the board members is present unless the board and the licensee mutually agree to a hearing before less than a quorum.
- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support the programmatic areas of the agency.

Managing the Agency: Activities involved in managing the agency may include internal office management activities such as corresponding and communicating; scheduling; meeting; creating policy and procedures; reporting; litigating; legislating (drafting, lobbying, tracking); publicizing and providing information; managing records; and managing information systems and technology.

Managing Finances: Activities involved in managing finances may include the following: budgeting (preparing and reviewing the budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

Managing Human Resources: Activities involved in managing human resources may include the following: recruiting and hiring eligible individuals to fill vacant positions within the agency; providing compensation and benefits to employees; supervising employees (evaluating performance, disciplining, granting leave, and monitoring the accumulation of leave); and providing training and continuing education for employees.

Managing Properties, Facilities, and Resources: Activities involved in managing properties, facilities, and resources may include the following: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; constructing buildings and facilities; leasing and/or renting

offices or facilities; providing for security and/or insurance for property; and assigning, inspecting, and maintaining agency property, including vehicles.

Analysis of Record Keeping System and Records Appraisal of the Alabama Board of Examiners of Nursing Home Administrators

Agency Record Keeping System

The Alabama Board of Examiners of Nursing Home Administrators currently operates a hybrid record keeping system composed of paper-based record keeping and a computer system.

Paper-based Systems: Most of the board's records are created and maintained in paper form.

Computer System: The board currently has one stand-alone personal computer (Gateway [GP6-350]) utilizing the Windows operating system. The board's executive secretary uses the computer to perform routine word processing tasks and to maintain a database for licensees. The board creates a paper copy of all electronic records. Information is backed up daily on 4 mm data cartridge tapes. Back-up tapes are stored on-site in the board's office.

The board has a web site at www.alboenha.state.al.us. Information on the site includes board members, rules and regulations, licensure procedures, and application forms that can be downloaded by applicants. All information is also available in paper format.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Alabama Board of Examiners of Nursing Home Administrators: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal and administrative requirements have been met. Some of the temporary records created by the board are discussed below:

- **Nursing Home Administrator Licensure Files.** The board is responsible for examining and licensing applicants as nursing home administrators. These files serve as evidence of the scope of a licensee's professional practice in this state from initial licensing to the final separation. A typical file may contain a completed application form, applicant's photo, copies of degree, reference letters, training data, employment verification affidavit, complaint records, and related correspondence. These records document the licensure history of the licensee and should be maintained long enough to cover the career span of an individual licensee. The board keeps licensure records of deceased licensees or licensees whose licenses are expired for 15 years.
- **Incomplete Administrator-in-Training (AIT) Files.** An Administrator-in-Training (AIT) is a supervised internship during which the AIT works under the guidance and supervision of a preceptor (a licensed administrator who also meets the qualifications for

supervision) in a nursing home. An applicant must complete 1,000 equivalent hours of AIT in order to apply for licensure examination. These files contain all information pertaining to applicants who have applied to become an AIT but have failed to complete the training. The board only allows a temporary discontinuance of the training for up to one year. This record series is recommended for a five-year retention for reference after the trainee discontinues the training.

- **Incomplete Application Files.** These files contain records filed by applicants for nursing home administrators. The board creates an application file once a piece of information is received indicating someone is applying for licensure. Applicants in this category have never filed all necessary documents with the board. The board maintains these files for one audit review period before final disposition.
- **Disapproved Application Files.** These files contain all materials pertaining to applicants who have applied to become licensed nursing home administrators but have been disapproved by the board for not meeting the licensure requirements. The board provides an applicant who has been disapproved for licensure thirty days to appeal the decision. This series is recommended for a retention of one audit review period.
- **Complaint Logs.** Complaints or charges against any licensee as a nursing home administrator must be in writing on forms provided by the board. The completed complaint form is filed, along with investigation and disciplinary records, in the individual licensure file. The board also creates and maintains a complaint log that lists all complaint cases in a summarized form. The log contains assigned case number, date of complaint, names of complainant and licensee, brief description of complaint, and disposition of the case. It serves as a ready reference to complaints received and handled by the board. The board keeps this series until completion of next sunset review.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Promulgating Rules and Regulations

- **Meeting Minutes of the Board.** These records document the discussions and actions of the board during its regular meetings. The board may set policies, issue orders, approve/reject applications for licenses/permits, or discipline licensees at the meetings. **(Bibliographic Title: Meeting Minutes)**
- **Rule and Regulation Files.** The Code of Alabama 1975 § 41-22-2 mandates that all agencies whose operations affect the rights and duties of the public are required to develop and maintain an Administrative Code. Prior to the adoption, amendment or repeal of any rule or regulation, the agency must file its intended action with the Legislative Reference Service so that the proposed rules can be finalized and published. This series consists of Transmittal Sheets, Notices of Intended Action, copies of the proposed rules, transcripts and records of public hearings, and related correspondence. The board retains these files to document the evolution of rules and regulations.

Licensing

- **State Written Examination Questions.** Alabama Administrative Code 620-X-12-.01 specifies that a nursing home administrator who has been licensed by another state may apply for a license in Alabama through reciprocity. In addition to the National Association of Boards of Examiners of Long Term Care Administrators, the out-of-state applicant must also take and pass the state written examination prior to licensure. These examination questions are designed by the board to test out-of-state applicants' proficiency in the rules and regulations of health and safety. There are several versions of the tests and each test generally consists of 50 multiple-choice questions. The examination questions provide the board with a mechanism to evaluate only out-of-state applicants and should be kept permanently as one of the board's major functions. Because of their ongoing administrative value to the board, all examination questions are closed to the public until they become obsolete. **(Bibliographic Title: Questions for the Written State Examination)**

Permitting

Permanent records documenting this subfunction are found in the Meeting Minutes of the Board as described in the Promulgating Rules and Regulations subfunction.

Conducting Investigations and Hearings

Permanent records documenting this subfunction are found in the Meeting Minutes of the Board as described in the Promulgating Rules and Regulations subfunction.

Administering Internal Operations

The board currently creates no permanent records under this subfunction.

Permanent Records List Alabama Board of Examiners of Nursing Home Administrators

Promulgating Rules and Regulations

1. Meeting Minutes of the Board
2. Rule and Regulation Files*

Licensing

1. State Written Examination Questions

*indicates records that ADAH anticipates will remain in the care and custody of the creating agency.

ADAH staff members are available to work with agency staff in determining the best location and storage conditions for the long-term care and maintenance of permanent records.

Alabama Board of Examiners of Nursing Home Administrators Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975 § 41-13-5 and § 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Alabama Board of Examiners of Nursing Home Administrators. The RDA lists records created and maintained by the Alabama Board of Examiners of Nursing Home Administrators in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the board to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Under the Code of Alabama 1975 § 36-12-40, "every citizen has a right to inspect and take a copy of any public writing in this state, except as otherwise expressly provided by statute." Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975 § 36-12-2, § 36-12-4, and § 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the Alabama Board of Examiners of Nursing Home Administrators. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept.
- Electronic mail is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain records and records-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of

blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes that may include, but are not limited to: telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal communications about social activities; and (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff.. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Alabama Board of Examiners of Nursing Home Administrators and lists the groups of records created and/or maintained by the board as a result of activities and transactions performed in carrying out these subfunctions. The board may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

Promulgating Rules and Regulations

MEETING MINUTES OF THE BOARD

Disposition: PERMANENT RECORD.

Recordings of Meetings

Disposition: Temporary Record. Retain until the official minutes are adopted and signed.

RULES AND REGULATIONS FILES

Disposition: PERMANENT RECORD. Retain in office.

Administrative Procedures Rule Filings

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

REGISTER OF ADMINISTRATIVE RULES

Disposition: PERMANENT RECORD. Retain in office (Code of Alabama 1975 § 41-22-6).

Licensing

STATE WRITTEN EXAMINATION QUESTIONS

Disposition: PERMANENT RECORD.

Nursing Home Administrator Licensure Files

Disposition: Temporary Record. Retain 15 years after license is expired.

Incomplete Administrator-in-Training Files

Disposition: Temporary Record. Retain 5 years after the end of the year in which the trainee discontinues the training.

Incomplete Application Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Disapproved Application Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Nursing home Administrator Licensure Database

Disposition: Temporary Record. Retain for useful life.

Licensed Nursing Home Administrator Index Files

Disposition: Temporary Record. Retain for useful life.

Voided Licenses/Renewal Cards

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Nursing Home Administrator Applicants Examination Score Sheets

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Approved Continuing Education Course Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Continuing Education Attendee Rosters

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Permitting**Emergency Permit Files**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Conducting Investigations and Hearings**Complaint Logs**

Disposition: Temporary Record. Retain until completion of next sunset review.

Administering Internal Operations: Managing the Agency**Board Members Appointment and Service Files**

Disposition: Temporary Record. Retain 5 years after completion of the term.

Board Executive Secretary Personnel Files

Disposition: Temporary Record. Retain 6 years after separation from the board.

Legislative Sunset Committee Review Records

Disposition: Temporary Record. Retain until completion of next sunset review.

General Correspondence

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Reference Files

Disposition: Temporary Record. Retain for useful life.

Mailing Lists

Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the commission's approved RDA (copies of transmittal forms to the Archives and the State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Copies of RDA

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the RDA is superseded.

Computer systems documentation (hardware/ software manuals and diskettes, warranties, records of access/authorities, file naming conventions, Y2K records)

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exists anywhere in the board and all permanent records have been migrated into a new system.

Printouts of Acknowledgment from the Secretary of State Relating to Notices of Meetings Posted by State Agencies

Disposition: Temporary Record. Retain 3 years.

Administering Internal Operations: Managing Finances**Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records of original entry or routine accounting transactions, such as journals, registers, and ledgers, and records of funds deposited outside the state treasury

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting requests for authorization from supervisors to travel on official business either within or outside the state, and other related materials, such as travel reimbursement forms and itineraries

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting contracts for services or personal property

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Records documenting the bid process, including requests for proposals and unsuccessful responses

- a. Original Bid Records Maintained in the Purchasing Office of the Agency for Contracts over \$7500
Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened.
- b. Duplicate copies of bid (where originals are maintained by the Finance Department - Division of Purchasing)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the bids were opened.

Audit Reports

Disposition: Temporary Record. Retain 6 years after end of the fiscal year in which the records were created.

Attorney Billing Files

Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the last transaction occurred.

Administering Internal Operations: Managing Human Resources

Records documenting payroll (e.g. pre-payroll reports, payroll check registers)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting payroll deduction authorizations

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Records documenting payroll deductions for tax purposes (including Form 941)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting an employee's work history – generally maintained as a case file

Disposition: Temporary Record. Retain 25 years after separation of employee from the agency.

Administering Internal Operations: Managing Properties, Facilities, and Resources

SEMIANNUAL INVENTORY LISTS

Disposition: PERMANENT RECORD. Retain in office (Code of Alabama 1975 § 36-16-8[1]).

Transfer of State Property Forms (SD-1) (Agency copies)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Property Inventory Cards and/or Computer Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the items were removed from inventory.

Receipts of Responsibility for Property

Disposition: Temporary Record. Retain until return of item to property manager.

Real Property Leasing/Renting Records

Disposition: Temporary Record. Retain 6 years after expiration of the lease.

Approval of Records Disposition Authority (RDA)

By signing this agreement, the Alabama Board of Examiners of Nursing Home Administrators acknowledges its responsibilities for the proper management of its records and agrees to abide by the implementation guidelines listed below:

- The Alabama Board of Examiners of Nursing Home Administrators will designate a managerial position as the board's records officer. This position is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the board, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, submitting an annual report on records management activities to the State Records Commission in April of each year, and ensuring the regular implementation of the board's approved RDA.
- Permanent records in the Alabama Board of Examiners of Nursing Home Administrators' custody will be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur board-wide on a regular basis – for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA's provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The board should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the board chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.
- The Alabama Board of Examiners of Nursing Home Administrators agrees to allow the staff of the State Records Commission or the Examiners of Public Accounts to examine the condition of the permanent records maintained in the custody of the board and to inspect records destruction documentation. Government Records Division archivists are available to train the staff in RDA implementation and otherwise assist the board in implementing its records management program.

The State Records Commission adopted this revision to the Records Disposition Authority on April 26, 2001.

Edwin C. Bridges, Chairman
State Records Commission

Date

Receipt acknowledged:

Katrina G. Magdon, Executive Secretary
Alabama Board of Examiners of Nursing Home Administrators

Date